

## REMARKS

### The claims

The amendments to the claims (cancellation of the previously pending claims and the addition of new claims) are not to be construed as an acquiescence to any prior art rejections in the ancestor application, 08/075,248 (now abandoned), but rather are being made to expedite prosecution of claims relating to aspects of the present invention. Therefore, the full scope of equivalents applies.

The newly added claims are directed to various peptides, *e.g.*, SEQ ID NO: 17, 20, 26, 29, 20 and 31, processes of using, antibodies thereto etc. Newly added claims 39 and 40 fall with restriction Group I; newly added claim 41 falls with restriction Group II; newly added claims 42, 43 and 50-58 fall with restriction Group IV; newly added claims 44 and 45 fall with restriction Group III; newly added claims 46 and 47 fall with restriction Group V; and newly added claims 48 and 49 fall with restriction Group VI.

### The Restriction Requirement

In response to the Restriction requirement mailed Dec. 5, 2000, Applicants elect Group IV, drawn to an antibody, with traverse. Group IV originally contained claims 15-19 and 29-38, which have been canceled; new claims 42, 43 and 50-58 fall within Group IV. Applicants respectfully traverse on the grounds that the Restriction to separate six separate inventions produces an undue burden on Applicants to file, prosecute and pay maintenance fees of six separate patents on various aspects of this invention not commensurate in scope with the additional burden on the Examiner to more fully examine this application.

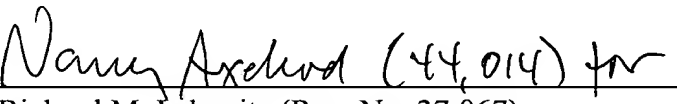
For example, in examining the presently elected antibody claims, it would not be unreasonable to expect that methods of making and using such antibodies, and kits for using the antibodies, *i.e.*, the method claims of Groups III, V and VI, could and should be examined therewith. It is further submitted that a proper search for the claims of Groups III, V and VI would overlap with a search for the claims of Group IV. Absent a serious burden on the PTO, restriction is not proper. See MPEP §803. Reconsideration of the Restriction Requirement is therefore respectfully requested.

In any event, Applicants request that at least the claims of Groups III, V and VI be rejoined with the antibody claims once they are allowed, pursuant to the Official Gazette

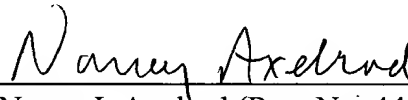
Notice regarding the *In re Ochiai*, 13 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 37 USPQ2d 1663 (CCPA 1996) decisions. See also MPEP §821.04.

Furthermore, the restriction of the polypeptides of Group I (claims 39 and 40) and a method of preparing an immunoconjugate comprising the peptide of claim 39 (Group II) is also traversed. A search for the method of claim 39 would overlap with a search for the peptide of claims 39 and 40 and would thus not represent an undue burden on the Examiner. Furthermore, for the reasons noted above, the method claim should be rejoined to the polypeptide claims once they are allowed.

Respectfully submitted,



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